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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,178	08/07/2003	Richard J. Morris	1915.24US03	1767

7590 06/30/2004

Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

EXAMINER

LU, JIPING

ART UNIT PAPER NUMBER

3749

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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06272004

DATE MAILED:

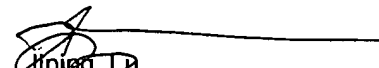
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Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on April 6, 2004 is not fully responsive to the prior Office action because the amendment filed 4/6/2004 fails to include any arguments regarding the rejected claims 1-28. In particular, the applicant failed to point out exactly how the newly added claims 29-66 overcome the rejections in the prior office action, i.e. which limitations in the new claims that the references do not show. The applicant also failed to point out the distinction from the broadest claim 53 and other references of record. It should be noted that claim 53 merely calls for two contacting layers/portions with air passages plus a material disposed within the air flow. the claimed features in claim 53 are common in the building ventilation art. In order to overcome the double patenting rejection, the applicant must convincingly point out any differences from the current claims 29-66 and the patent claims USP 6,450,882 & 6,623,354. In the alternative, the applicant may file two terminal disclaimers to overcome this rejection.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 703-308-2354. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jiping Lu
Primary Examiner
Art Unit: 3749